



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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22/100,000

EXAMINER

ART UNIT	PAPER NUMBER
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27

DATE MAILED:

EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) Michael J. Turner - PTO. (3) _____

(2) Kurt Briscoe (4) _____

Date of interview 1-26-98

Type: ☐ Telephonic ☒ Personal (copy is given to ☐ applicant ☒ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description: _____

Agreement ☐ was reached with respect to some or all of the claims in question. ☒ was not reached.

Claims discussed: ALL

Identification of prior art discussed: Ames & Co.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: THE EXAMINER

CLARIFIED THAT THE OFFICE ACTION DATED 1-20-98 IS NON-FINAL WITH
A 3 MONTH STATUTORY TIME PERIOD FOR RESPONSE. ALSO DISCUSSED THE
BLENDING OF THE TERM 'SEALED' WITH RESPECT TO THE PRIOR
ART

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph below has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

- ☐ 2. Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the substance of the interview unless box 1 above is also checked.

Examiner's Signature

Art Unit: 2101

Applicant's arguments filed June 26, 1998 have been fully considered but they are not persuasive.

Claims 7 and 15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant's claimed feature of having 'each second exposed portion in the package already being developed', lacks an enabling disclosure in the specification. It is not understood, or discussed in Applicant's specification, how a 35mm or Polaroid/instant type film is partially developed without also developing the area of the photographic film utilized for later recording. Correction, clarification or deletion of the claimed subject matter is required.

Applicant asserts that, "methods for developing only portions of photographic frames were well known in the art at the time the present invention was made." The Examiner has not found support for this statement in the art. The distinction between pre-exposed and partially previously developed film is significant and Applicant (e.g. page 6, lines 10-13 of amendment dated 6-26-98) has consistently referred to the film "as here, the film is intended to be sold partially exposed". Applicant is therefore required to submit such evidence of this commonly known pre-partially developed technique.

Art Unit: 2101

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 8, 10, 11, 14, 16 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by either Ames('953) or Guez('291). With respect to claims 1-3, 6, 8, 10, 11, 14, 16 and 17, Ames and Guez each disclose all aspects of said claims. Applicant should note that both Ames (4, line 107 through column 5, line 8) and Guez (column 10, line 30 through column 11, line 67) each disclose photographic film containing frames which have a previously exposed 'border' area, as well as an unexposed portion for future image recording.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 12 and 13 are rejected under 35 U.S.C. 102(b) as anticipated by either Ames('953) or Guez('291) or, in the alternative, under 35 U.S.C. 103(a) as obvious over either Ames('953) or Guez('291) in view of Jones('471). With respect to claims 4, 5, 12 and 13, Applicant states that, 'the package is of instant developing film'. Interpreted

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broadly, all film which is subjected to, and capable of, developing immediately or soon after exposure can be considered to be 'instant developing film', and therefore Ames and Guez disclose all aspects of said claims. Alternatively, however, if Applicant's claim language is read as specifically referring to Polaroid type film, then Ames and Guez disclose all aspects of said claims with the exception of specifically disclosing the use of Polaroid type film. Jones, however, does disclose just such Polaroid type film which utilizes masks for creating decorative borders around an object to be photographed. Given that Ames, Guez and Jones each disclose devices of a similar form and function, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Jones' teaching of utilizing masks to create decorative borders, in conjunction with Ames' and Guez's teaching of masks for the creation of pre-exposed borders on photographic film, for the purposes of providing instant Polaroid type film with a myriad of decorative border options, where said borders have already been exposed.

With respect to Applicant's comments concerning the validity of these rejections, Applicant should note the following:

1 - Applicant notes that none of the prior art devices specifically claim that the film package comes "sealed". While Guez, column 10, lines 40-47 reads upon Applicant's claim language in this regard, this feature, more generally speaking, is considered inherent in the commercial sale of film packages;

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2 - Applicant's comments concerning Ames utilizing "paper" and not Applicant's "film" is not supported by specific claim language and Ames is believed to properly read upon the non-defined 'film' as claimed by Applicant; and

3 - Despite Applicant's comments, Jones was utilized, as stated in the rejection, to show that, e.g., Guez's method of fashioning pre-exposed/non-exposed film compositions are commonly known and used with Polaroid-type instant films.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure and is supplied for Applicant's information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas J. Tuccillo whose telephone number is (703) 308-1691. The examiner can normally be reached Monday - Thursday until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. The fax phone number for this Group is (703) 305-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.



EDDIE C. LEE
PRIMARY EXAMINER

NJT

August 10, 1998